

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LAURA J. LANEY,)	CASE NO. 1:14-CV-02515
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	DEFENDANTS' MOTION TO
)	TRANSFER CASE
DAIICHI SANKYO, INC., et al.,)	
)	
Defendants.)	

Defendants Daiichi Sankyo, Inc., Daiichi Sankyo U.S. Holdings, Inc., Forest Laboratories, Inc., now known as Forest Laboratories, LLC, and Forest Research Institute, Inc. ("Defendants"), by and through counsel, move the Court to transfer the above-captioned case to the docket of the Honorable U.S. District Judge Benita Y. Pearson. This case is related to an earlier assigned case captioned *Brenda D. Baugh v. Daiichi Sankyo, Inc., et al.*, No. 4:14-cv-02309, currently pending before Judge Pearson in the U.S. District Court, Northern District of Ohio. Accordingly, reassignment is proper under Local Rule 3.1(b)(3).

I. INTRODUCTION

This is one of two cases recently filed in the U.S. District Court, Northern District of Ohio, involving the prescription medicine Benicar®. Pursuant to Local Rule 3.1(a), the cases were randomly assigned to one of the judges within this District Court. The first-filed case, captioned *Brenda D. Baugh v. Daiichi Sankyo, Inc., et al.*, No. 4:14-cv-02309 and filed October 15, 2014, was assigned to Judge Benita Y. Pearson. Plaintiff

Laura J. Laney filed this action on November 14, 2014, and it was subsequently assigned to the Honorable U.S. District Judge Donald C. Nugent.

Plaintiff Laney and Ms. Baugh are represented by the same law firms and their respective complaints against essentially the same defendants are pleaded virtually identically. Both plaintiffs allege that they developed sprue-like enteropathy as a result of their use of prescription hypertension medication containing olmesartan medoxomil. Because these cases are “related” they should both be presided over by Judge Pearson under Local Rule 3.1(b)(3).

II. LAW AND ARGUMENT

Local Rule 3.1(b)(3) provides that a case may be reassigned¹ to another District Judge if it is “related to an earlier assigned case” and “with the concurrence of both the transferee and the transferor District Judges, with or without a motion by counsel.”

On October 15, 2014, Brenda D. Baugh filed a products liability action in the Northern District of Ohio alleging injuries as a result of ingesting Benicar®, a prescription medicine. *Baugh v. Daiichi Sankyo, Inc., et al.*, No. 4:14-cv-02309, N.D. Ohio. (Compl. attached as Ex. A). Ms. Baugh is represented locally by attorneys Peter H. Weinberger and Peter J. Brodhead of Spangenberg, Shibley & Liber, LLP. Having only recently been filed, no Case Management Conference has yet been set.

On November 14, 2014, Laura J. Laney filed the above-captioned case in this Court. The complaint filed by Plaintiff Laney, who is also represented locally by attorneys Weinberger and Brodhead, is pleaded virtually identically to the complaint

¹ Defendants clarify that they are **not** seeking consolidation of these cases for purposes of a simultaneous trial under Federal Rule of Civil Procedure 42(a). Rather, Defendants merely seek **transfer** under Local Rule 3.1(b)(3).

filed in *Baugh*. Thus, although the individual fact issues presented by each case are different, the cases are “related” because:

- The same prescription medicine is implicated;
- The named Defendants are essentially the same;
- Plaintiff Laney and Ms. Baugh assert the same causes of action;
- Plaintiff Laney and Ms. Baugh allege similar injuries; and
- Plaintiff Laney and Ms. Baugh seek similar damages.

Accordingly, this action should be transferred to the docket of Judge Pearson, the judge assigned to *Baugh*, the first-filed case.

III. CONCLUSION

For the reasons set forth above, Defendants Daiichi Sankyo, Inc., Daiichi Sankyo U.S. Holdings, Inc., Forest Laboratories, Inc., now known as Forest Laboratories, LLC, and Forest Research Institute, Inc. request that this court transfer this action to the docket of the Honorable Judge Benita Y. Pearson under Local Rule 3.1(b)(3) because it is related to *Baugh v. Daiichi Sankyo, Inc., et al.*, No. 4:14-cv-02309, the earlier and first-filed case.

Respectfully submitted,

s/ Kristen L. Mayer

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2014, a copy of the foregoing **Defendants' Motion to Transfer Case** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Kristen L. Mayer

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